

EXHIBIT

“39”

November 6, 2019

The Honorable Nathaniel M. Gorton
United States District Judge

Dear Judge Gorton:

I write this letter, both from the head & the heart, on behalf of Defendant Michelle Janavs.

I am 71 years old and have known Michelle for 15 years. Her parents are our best friends. I count her as "family." I have been: a C-Suite officer at 2 NYSE companies and the fastest growing company on the NASDAQ; partnered in my career with two members of the Forbes 400; Chairman and CEO of multiple high-tech startup companies, and early in my career as Chief Legal Officer was responsible for transactional and litigation matters involving hundreds of law firms. I practiced law with both O'Melveny & Myers and Jones Day.

Because of my middle-class parents' great financial sacrifice (luck of the draw), my being born bright (pure fortuity), and my working hard in a highly competitive high school for 4 years and earning multiple accolades, I was accepted at both Stanford and Yale. I hold a JD from Columbia University School of Law (where I was a James T. Kent Scholar and a multiple Harlan Fiske Stone Scholar), an MBA from The Wharton School (top 5%), and a BA in Economics from Yale (where I was a Ranking Scholar). I also hold a CPA from New York. Perhaps the finest education I ever got was at Isidore Newman School in New Orleans, where I graduated 2d in my class.

Notably, I was in the first entering class at Yale where, famously and to my great benefit, the admissions department favored meritocracy over legacy. While my class included such illustrious classmates as the son of U.S. Supreme Court Justice Potter Stewart, it also included nobodies like me. It is still well known as one of the most talented classes in the 300-year history of Yale---and we "diverse, non-legacy types" are proud of that.

At midnight on March 12, 2019 I was dozing on vacation in Lyon France when my wife read of *Varsity Blues* on her iPad ---- and a scream of "Oh my God!!" awoke me. For reasons described below, we were shocked. I came from a financially frugal middle-class family, worked very hard for four years to get into College, and resent wealthy entitled people who game the system. So, how do I feel about parents who use their wealth to procure admissions for their kids to the disadvantage of economically challenged deserving students? It bothers me a lot --- like many, I resent it. But Michelle differs from such entitled parents in several ways relevant to her sentencing.

Michelle has wealth now, but she (like me) grew up in a middle-class family. She neither felt "entitled" nor acted that way. Her Dad immigrated from Iran at 16, learned English while in college (unbelievable), and struggled with his family to build a business here while Michelle was young & growing up. She did not grow up "in wealth" and, despite her parents' monumental success, they have solid values and passed them along to their kids.

Remember reaching the point in life where you met friends' kids and could tell, on first impression, whether they were good kids or not? When I met Michelle the first time, I just "knew" she was special, and honest. Although we regularly see Michelle, before writing this letter, I spent three hours with her. I firmly believe that at the time she acted, Michelle knew it was "wrong," but she did NOT think that what she did was illegal or criminal.

The press has portrayed Michelle as a "former executive" with high-level decision-making experience, and multiple times even referred to her as "the inventor of Hot Pockets." The fact is that, unlike many defendants, Michelle has ZERO executive decision-making experience in business. For two years she served as an entry-level marketing analyst who reported to the Director of Marketing who in turn reported to the Chief Marketing Officer.

Michelle is a Mom and has been a mom for 21 years. Other than her voluminous kids-oriented charitable activities, the last time she worked was 21 years ago. She is not a world-wise savvy decision-maker like the entrepreneurs, corporate executives, high-powered lawyers and others who gladiate daily in the business world.

Since March 12 I have struggled with how could Michelle have done this? It's so out of character. Some parents in *Varsity Blues* likely were motivated by the "prestige factor." Michelle was not one of those parents. She did what she did because of her love for her children. Prestige was not a factor to her, nor was entitlement.

Michelle loves kids, and has personally founded and devoted extraordinary amounts of time over many years to at least FOUR charitable initiatives for kids: Harvesters, Candy Palace, and Paper Palace, all focused on raising money for hungry children, and a Creative Writing endeavor. Note—she did not passively just give money to these organizations, she was hands-on involved for years. Over 9 years, primarily through hands-on efforts, she estimates having provided 1,200,000 meals for needy kids. That is NOT the earmark of an entitled temperament.

I am disappointed in Michelle's actions, but she is not an evil person. The Michelle I know is the one who, when she learned her housekeeper's kids were being threatened in an at-risk school, personally enrolled those kids in the same private school as her own, and paid 100% of their tuition. The Michelle I know is the one who, when her underprivileged housekeeper Mary [REDACTED] and when she learned that Mary fretted over her family being saddled with a monthly payment on her Toyota, secretly paid off the car to alleviate Mary's mind. The Michelle I know is the one who took a low-income youth from El Sol school in Santa Ana and personally paid her four-year scholarship to Sage Hill School in Orange County, and that young girl is now enrolled in the University of California. The Michelle I know is the young student who tried to volunteer at a battered women's shelter, but was so traumatized by the income inequality and unfairness of it all that she "wanted her parents to adopt everyone."

In my head, I know that what Michelle did was wrong, and she knows that what she did was wrong. I am disappointed that such a good person could lose her way. But as someone familiar with how money has distorted college admissions to the extent that it's possible to be confused where the line of legality is even crossed, I think Michelle deserves a minimal punishment. It's her

first offense, and she will do SO much more good for the world in the future if given the opportunity to pay for her crime by doing community service.

In my heart, I know that she's a truly wonderful person in so many ways---indeed a role model of whom I'm consummately proud. Michelle is by nature a soft-hearted person and extreme nurturer, and ironically it is those benign attributes that may have blinded her to the enticing & manipulative ways of Rick Singer, who IS the embodiment of evil and preys on a loving parent's vulnerabilities by proffering fears and lulling even good people into bad ways.

In my head, I know she made a significant error in judgment. But the bottom line is that she's a loving parent who did not think things through, did not know it was a crime, and would never had done it had she thought it through. She's already suffered mightily from her errors. From the perspective of someone of my advanced age & experience, she is not, like many other defendants, a sophisticated professional decision-maker, but a loving Mom who has a formidable track record of trying to do what's right not just for her kids but for other kids. She is not someone who normally games the system, treats others with indignity, or is unaware of her fortuitous position in life. She appreciates hard work and practices what she preaches. Although she temporarily lost her way, and knows it, I think she deserves the kind of mercy she has bestowed on others, and hope you can find your way to imposing minimal punishment.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan B. Sellers". The signature is fluid and cursive, with a large initial "A" and "S".

Alan B. Sellers